

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RAYMOND J. KELLEY, JACK OBLEIN,  
DAVID M. ORESHACK, CHRISTOPHER N. JAPP and  
DOUGLAS E. STERN

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Appeal 2006-3163  
Application 09/747,661  
Technology Center 3600

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Decided: July 5, 2007

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Before TERRY J. OWENS, ANITA PELLMAN GROSS, and  
STUART S. LEVY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1-53, which are all of the pending claims.

## THE INVENTION

The Appellants claim a method for analyzing the productivity of a plurality of medical resources that are associated with at least one of a plurality of medical system modalities (e.g., a magnetic resonance imaging system, a computed tomography system or an ultrasound system (Spec. 2: 4-8)) and include a medical diagnostic system (e.g., a magnetic resonance imaging system, a computed tomography system or an ultrasound imaging system (Spec. 5:17-19)), comprising electronically directing client data (e.g., operating data for the medical resource (Spec. 3: 17-18)) from a remote interface to a productivity analysis system via a network, analyzing the client data with the productivity analysis system, and providing a productivity analysis report to a client (e.g., the medical institution having the medical resource (Spec. 3:18-19)) via the network.

Claim 1 is illustrative:

1. A method for analyzing productivity of a medical resource, the method comprising:

electronically directing client data transmitted from a remote interface to a productivity analysis system via a network, wherein the productivity analysis system is configured to evaluate a plurality of medical resources associated with at least one of a plurality of medical system modalities, the client data comprising operational data relating to a medical system employed at a medical facility, the medical system comprising a medical diagnostic system;

analyzing the client data with the productivity analysis system; and

providing a productivity analysis report to a client via the network, the productivity analysis report allowing the client to evaluate medical resource productivity at the medical facility.

#### THE REFERENCES

Crane	US 5,748,907	May 5, 1998
Wong	US 6,260,021 B1	Jul. 10, 2001 (filed Jun. 12, 1998)
Kenner	US 6,314,565 B1	Nov. 6, 2001 (filed Apr. 30, 1998)
Powers	US 6,604,084 B1	Aug. 5, 2003 (filed Jul. 1, 1998)

#### THE REJECTIONS

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1-4, 7-13, 15, 18-21, 24-26, 28, 31-34 and 36-38 over Crane in view of Powers and Wong, claims 5, 6, 14, 16 and 17 over Crane in view of Powers and Kenner, claims 22, 23, 29, 30, 35 and 39-53 over Crane in view of Powers, Kenner and Wong, and claim 27 over Crane in view of Powers.

#### OPINION

We affirm the aforementioned rejections.

Crane discloses an interactive electronic real-time system for controlling the business management, employees and patients of medical facilities and businesses in a more efficient and cost saving manner

compared to the past under similar conditions (col. 1, ll. 10-17, 25-27; col. 5, ll. 3-14; col. 7, ll. 60-61). Health care clinics having a room for diagnosing ailments can be interconnected through communications links to provide a health care clinic network distributed throughout a country (col. 6, ll. 33-36; col. 11, ll. 57-59). A master processor receives inputs from within clinics through real-time sensors directly from test equipment (col. 6, ll. 56-60; col. 31, ll. 27-30). The master processor automatically and in real time manages, controls and stores information on patients, employees, equipment, functions and resources throughout the clinics (col. 20, ll. 48-51; col. 21, ll. 9-23; col. 22, ll. 10-15).

The Appellants argue that Crane's data is clerical (Br. 13; Reply Br. 3). Crane's data is for evaluating and controlling the efficiency of a medical resource (col. 1, ll. 10-17; col. 5, ll. 3-12) and, therefore, is comparable to the Appellants' productivity data. Crane discloses that the data includes data for resources such as test equipment (col. 6, ll. 56-60; col. 20, ll. 48-51; col. 22, ll. 10-11; col. 31, ll. 27-30), and that rooms in the clinic are for diagnosing ailments and conducting tests such as EKG and x-ray (col. 11, ll. 49-59; col. 18, ll. 46-50). That equipment for diagnosis and testing is comparable to the Appellants' diagnostic system equipment such as an x-ray system (Spec. 2:4-8)

Crane's disclosures that clinics can be interconnected through communication links (col. 6, ll. 33-36) and that test data can be obtained in real time directly from test equipment and can be communicated to a doctor's office via a communications room (col. 31, ll. 27-32) would have

led one of ordinary skill in the art, through no more than ordinary creativity, to communicate the diagnostic test results to a client such as a doctor's office or a clinic over a network.

The Appellants argue regarding claims 31 and 41 that the applied references do not disclose medical procedure statistics associated with a medical diagnosis system for analyzing the productivity of a medical resource that includes the medical diagnosis system (Br. 15-17). Crane discloses that the information used by Crane's master processor in managing the patient flow and clinic resources (col. 21, ll. 12-15) includes the patients' diagnosis/test data (which reasonably appears to include medical procedure data) (col. 25, ll. 62-64; col. 26, ll. 19-21). That disclosure by Crane would have led one of ordinary skill in the art, through no more than ordinary creativity, to combine the patients' data as statistics because that is what would be useful in carrying out the desired management of the resources and the patients as a group (col. 22, ll. 10-11). *See KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) (In making the obviousness determination one "can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.").

We therefore are not convinced of reversible error in the Examiner's rejections.<sup>1</sup>

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<sup>1</sup> Powers, Wong and Kenner are merely cumulative.

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DECISION

The rejections under 35 U.S.C. § 103 of claims 1-4, 7-13, 15, 18-21, 24-26, 28, 31-34 and 36-38 over Crane in view of Powers and Wong, claims 5, 6, 14, 16 and 17 over Crane in view of Powers and Kenner, claims 22, 23, 29, 30, 35 and 39-53 over Crane in view of Powers, Kenner and Wong, and claim 27 over Crane in view of Powers, are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

vsh

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